

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

**UNITED STATES OF AMERICA**

**v.**

**KELVIN BUSH**

**NO. 3:19-CR-75-6**

**ORDER**

Magistrate Judge C. Clifford Shirley, Jr. filed a report and recommendation, recommending that the Court: (1) find that the plea hearing in this case could not be further delayed without serious harm to the interests of justice; (2) grant Defendant's motion to withdraw his not guilty plea to Count One of the Superseding Indictment; (3) accept Defendant's plea of guilty to the lesser included offense in Count One of the Superseding Indictment, that is, of conspiracy to distribute and possession with the intent to distribute 500 grams or more of cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. § 846, 841(a)(1), and 841(b)(1)(B); (4) adjudicate Defendant guilty of the charges set forth in the lesser included offense in Count One of the Superseding Indictment; and (5) find that Defendant shall remain in custody until sentencing in this matter [D. 300]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [D. 300] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

(1) As set forth on the record, Defendant's plea hearing could not be further delayed without serious harm to the interests of justice;

(2) Defendant's motion to withdraw his not guilty plea to Count One of the Superseding Indictment is **GRANTED**;

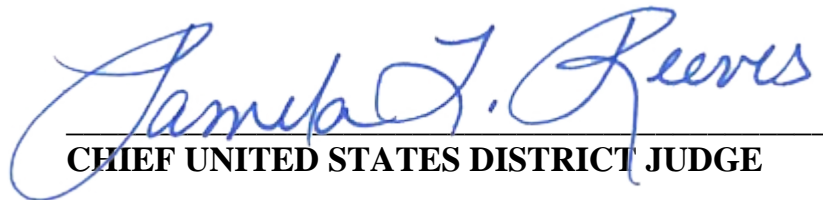
(3) Defendant's plea of guilty to the lesser included offense in Count One of the Indictment, that is, of conspiracy to distribute and possession with the intent to distribute 500 grams or more of cocaine, a schedule II controlled substance, in violation of 21 U.S.C. § 846, 841(a)(1), and 841(b)(1)(B), is **ACCEPTED**;

(4) Defendant is hereby **ADJUDGED** guilty of the charges set forth in the lesser included offense in Count One of the Superseding Indictment;

(5) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **October 29, 2020 at 10:00 a.m. in Knoxville** before the Honorable Pamela L. Reeves, Chief United States District Judge.

**SO ORDERED.**

**ENTER:**

  
\_\_\_\_\_  
**CHIEF UNITED STATES DISTRICT JUDGE**